

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 31 2006

In re Application of:

WALLACE K. DYER

Serial No. 09/943,138

Filed: August 30, 2001

For: METHODS AND COMPOSITIONS
FOR TISSUE AUGMENTATION

Art Unit: 1639

Examiner: Jon D. Epperson

DECLARATION OF WALLACE K. DYER, M.D. PURSUANT
TO 37 C.F.R. § 1.131

I, Wallace K. Dyer, declare the following:

1. I am over the age of 21 and am competent to make this declaration based on personal knowledge.
2. I am a board certified facial plastic surgeon and a board certified otolaryngologist, head and neck surgeon and have been in practice for the past 20 years. I am a Fellow of the American Academy of Facial Plastic and Reconstructive Surgery, the American Academy of Otolaryngology, Head and Neck Surgery, and the American College of Surgeons (F.A.C.S.).
3. I am the sole inventor of the subject matter disclosed and claimed in United States Patent Application Serial No. 09/943,138 filed August 30, 2001, which claims priority to: United States Provisional Patent Applications 60/229,085, filed August 30, 2000; 60/229,989, filed September 5, 2000; and, 60/241,636, filed October 19, 2000.
4. This document is submitted as evidence that the subject matter recited in the pending claims, including claims 1, 4, 7-11, 13, 15, and 17-29, of United States Patent Application Serial No. 09/943,138 was conceived prior to May 19, 2000 and diligently reduced to practice thereafter.
5. I conceived of the subject matter recited in the pending claims of United States Patent Application Serial No. 09/943,138 in the United States at least as early as

Exhibit A

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PERKINS VAN NATTA

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DECLARATION OF STEPHEN W. PERKINS, M.D.

I, Stephen Perkins, declare as follows:

1. I am a Board Certified Facial Plastic Surgeon and have been in practice for the past 22 years. I am the past President of the Academy of Facial Plastic and Reconstructive Surgery Society, Chairman of the Fellowship Review Committee, a Fellowship Program Director, the Sub-committee Chairman for the Ninth International Symposium and I am a current member of the Ethics Committee for the American Academy of Facial Plastic and Reconstructive Surgery.
2. At the Indiana University School of Medicine, the Department of Otolaryngology-Head & Neck Surgery Department, where I serve as a Clinical Associate Professor, was hosting a Facial Plastic Surgery Meeting where Dr. Dyer was an invited faculty member. The meeting was in Indianapolis, Indiana, on December 3-4, 1999, and the course was titled, "Facial Plastic Surgery: Entering the New Millennium." Dr. Wallace K. Dyer and I met and we had a confidential meeting in which Dr. Dyer disclosed his invention to me.
3. Dr. Dyer described to me the materials suitable for use in the compositions of his invention. These materials included high density polyethylene microparticles. Dr. Dyer also disclosed to me his concept of other materials that could be used in the

Exhibit B